

REMARKS

The claims in the application are 1, 3-11 and 16-19.

Favorable reconsideration of the application as amended is respectfully requested.

The present amendment is being made in accordance with a telephone interview between the Examiner in charge of the above-identified application and undersigned attorney on March 7, 2007. The courtesy extended by the Examiner in arranging for and conducting the telephone interview, is greatly appreciated.

Concerning the objection to the specification raised in paragraph 1.a.-d. of the Final Office Action, attention is respectfully called to the Preliminary Amendment filed with the application on April 21, 2004 and in which these subheadings have been inserted. Additionally, another copy of Figs. 4a & 4b is enclosed, in accordance with the request in paragraph 1 of the Final Office Action.

Claims 4, 5, 14-16 and 18-20 have been indicated allowable in paragraph 4 of the Final Office Action. Accordingly, Claims 4 and 16 have each been amended into independent form herein. In this regard, Claims 13-15 and 20 have been canceled without prejudice to avoid redundancy in allowed subject matter. Accordingly, the only outstanding issue is the art rejection of the claims.

More specifically, Claims 1-3, 6-8, 12, 13 and 17 have been rejected under 35 U.S.C. §102 as being anticipated by EP 0 990 557 to Rzehulka in paragraph 2 of the Final Office Action, while Claims 9-11 have been rejected under 35 U.S.C. §103 as obvious additionally in view of U.S. Pat. No. 4,262,923 to Weir in paragraph 3 of the Final Office Action. It is asserted, in paragraph 2 of the Final Office Action, Fig. 7 of EP

'557 to Rzehulka shows all features of the invention recited in Claims 1-3, 6-8, 12, 13 and 17; however, one "subassembly" shown in Fig. 7 is actually an intermediate support 10 for a traction engine E having a "swan's neck" 15. Therefore, this "subassembly" 10 fails to support the main support 1 and carried vehicle 2 on the ground during transport. It is furthermore quite clear this "subassembly" 10 does not constitute a truck undercarriage having at least one axle, as recited, e.g., in dependent Claim 2.

Accordingly, independent Claim 1 has been amended as presented for discussion during the telephone interview and to incorporate recitation from dependent Claim 2 which has been canceled without prejudice (dependent Claim 12 has also been canceled without prejudice in this regard). Referring to preferred embodiments of the present invention illustrated in the drawings of the present application, the present invention as recited in independent Claim 1 is directed to a system 10 for transporting construction machines and having a front subassembly 20 and rear subassembly 22, the front subassembly 20 having a first locking unit 18 positioned on its rear end for joining to a first end of construction machine 12 or intermediate part 32, 34, and the rear subassembly having a second locking unit 16 positioned at its front end for joining to a second end of the construction machine 12 or intermediate part 32, 34.

More particularly, the construction machine 12 itself or intermediate part 32, 34 joined together with the front and rear subassemblies 20, 22 provides a single transportation unit with the front and rear subassemblies 20, 22 supporting the construction machine 12 or intermediate part 32, 34 on the ground for movement during transportation. As pointed out *supra*, "subassembly" 10 in Fig. 7 of EP '557 to Rzehulka fails to support the main support 1 and carried vehicle 2 on the ground during

transport.

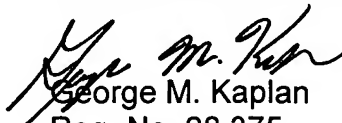
Furthermore, as also pointed out *supra*, this "subassembly" 10 does not constitute a truck undercarriage having at least one axle, as recited in independent Claim 1 as amended herein. Accordingly, EP '557 to Rzehulka fails to either anticipate or render obvious the invention recited in independent Claim 1 and dependent claims therefrom. In this regard, Weir adds nothing to Rzehulka which would render obvious the invention as recited in any pending claim herein.

The remaining art of record has not been applied against the claims and will not be commented upon further at this time.

Accordingly, in view of the forgoing amendment, accompanying remarks and telephone interview in the above-identified application, it is respectfully submitted all claims pending herein are in condition for allowance. Please contact the undersigned attorney should there be any questions. The requisite RCE filing papers are enclosed with the requisite filing fee, together with a Petition for an automatic three month extension of time for response under 37 C.F.R. §1.136(a) in duplicate with the requisite petition fee.

Early favorable action is earnestly solicited.

Respectfully submitted


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